Appl. No. 09/663,551
Amdt. dated September 22, 2004
Reply to Office Action of July 28, 2004

PATENT

REMARKS/ARGUMENTS

Claims 1-19 are pending in this application. Claims 1-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of three references -- namely, Torres, U.S. Pat. No. 5,384,910 in view of Le Blanc, U.S. Pat.No. 5,977,968 and further in view of Washington et al., U.S. Pat. Pub. No. 2001/0035879.

Section 103 Issues

The citation of the Washington reference is made for the first time in the office action. Applicant respectfully traverses the citation of the Washington reference. Namely, the Washington reference was filed after the applicants' own filing date. While the Washington reference does make a priority claim to an application that was filed prior to the applicants' filing date, it is noted that the earlier reference does not appear to include the material referred to in the office action, namely paragraphs 157-160.

The Washington reference cited in the office action (US 2001/0035879) was filed on June 20, 2001. Applicants' application was filed well before that date on September 18, 2000 and claims priority to 60/209,007 filed on June 1, 2000. Thus, the US 2001/0035879 reference cannot serve as a reference based on its own filing date, since that filing date occurred after the applicants' filing date and priority date.

It is noted that the US 2001/0035879 reference claims priority to US application 09/745,023 filed December 20, 2000 as a continuation-in-part. The filing date of the '023 application is also after the applicants' own filing date. Therefore, the '023 application cannot serve as a reference. Furthermore, it is noted that as a continuation-in-part the disclosures of US 2001/0035879 and the '023 application are by definition not considered the same.

It is also noted that the '023 application claimed priority as a continuation-in-part to 09/518,492 which was filed on March 3, 2000. The '492 application was filed shortly before the applicants' own application. It is cited in the accompanying information disclosure statement. However, after reviewing the '492 application, it does not appear to teach the material referenced in the office action, namely paragraphs 157-160 of later filed US 2001/0035879.

Therefore, the US 2001/0035879 reference cannot rely on the '492 application for antedating purposes.

Finally, it is noted that the US 2001/0035879 application also claims priority to 09/595,003 which was filed on June 13, 2000. However, this date occurs after applicants' priority date of June 1, 2000.

"Without Altering the Function of Said Graphical User Interface"

Furthermore, the claims have been amended to more clearly recite the claimed embodiments. It is noted that the examiner used a reference (the Washington reference) in which the functionality of the graphical user interface was changed by the change to the graphical user interface. The claimed embodiments of the applicants' invention recite changing the shape of a graphical user interface to a user's desired preference without altering the function of the graphical user interface. Thus, a reference such as Washington that requires a change in the functionality of the GUI (e.g., changing a node functionality from a sine wave to a square wave as the office action mentioned) clearly teaches away from the applicants' claimed embodiments. Thus, it would be inapplicable in rejecting the claims.

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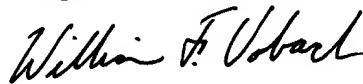Reply to Office Action of July 28, 2004

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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

William F. Vobach
Reg. No. 39,411

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
Attachments
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